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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
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11 DEJON HEMPHILL,

12 Plaintiff,

13 vs.

14 COUNTY OF SAN BERNARDINO;  
15 CITY OF SAN BERNARDINO and  
16 DOES 1-10, inclusive,

17 Defendants.  
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Case No. 5:24-cv-00825-KK-DTB

*Hon. Kenly Kiya Kato*

**STIPULATION TO DISMISS  
DEFENDANT COUNTY OF SAN  
BERNARDINO AND FOR ORDER  
GRANTING LEAVE FOR  
PLAINTIFF TO FILE FIRST  
AMENDED COMPLAINT**

*[Proposed First Amended Complaint;  
Proposed Order filed concurrently  
herewith]*

1 **TO THE HONORABLE COURT, ALL PARTIES, AND THEIR**  
2 **ATTORNEYS OF RECORD:**

3 Plaintiff Dejon Hemphill (“Plaintiff”) and Defendant City of San Bernardino  
4 (“Defendant City”), by and through their respective attorneys of record, hereby  
5 stipulate to the following for the purpose of jointly requesting that the Court issue an  
6 order dismissing the County of San Bernardino as a defendant, without prejudice,  
7 and granting Plaintiff leave to file a First Amended Complaint to name the involved  
8 officers and omit any references to the County of San Bernardino as a defendant:

9 1. Plaintiff filed the operative complaint in this action on April 18, 2024.  
10 (Dkt. No. 1), alleging the City of San Bernardino police officers and San Bernardino  
11 County Sheriff’s Deputies were involved in the detention, arrest, and use of  
12 excessive force against Plaintiff. At the time Plaintiff filed his Complaint, he did not  
13 know the identities of the involved officers.

14 2. After serving the operative complaint on representatives for the City of  
15 San Bernardino and San Bernardino County, Plaintiff’s counsel was contacted by a  
16 representative for the San Bernardino County and was informed that no deputies or  
17 employees from San Bernardino County were involved in the April 2, 2023, incident  
18 alleged in the operative Complaint. Plaintiff’s counsel requested proof and the  
19 parties discussed obtaining the police reports that were generated from the incident.  
20 The representative for San Bernardino County represented that he had been in  
21 contact with counsel for the City of San Bernardino, who had agreed to produce  
22 certain police reports and evidence that revealed the identities of the involved  
23 officers, subject to a protective order. Plaintiff’s counsel agreed that Plaintiff would  
24 be willing to dismiss San Bernardino County from this action if the documents  
25 showed that no deputies or employees from the County were involved in the  
26 incident.

1           3.     On June 5, 2024, Defendant City of San Bernardino and Plaintiff  
2 entered into a Stipulated Protective Order regarding the exchange of documents and  
3 information in this action. (Dkt. No. 17).

4           4.     On June 6, 2024, a Protective Order was issued. (Dkt. No. 18).

5           5.     On June 7, 2024, Defendant City of San Bernardino served Defendant's  
6 Initial Disclosures Pursuant along with certain documents.

7           6.     After reviewing the documents produced in Defendant City's Initial  
8 Disclosures, the parties met and conferred and agreed that there was good cause to  
9 enter into a stipulation to dismiss the County of San Bernardino as a defendant and  
10 request an order granting Plaintiff leave to file a First Amended Complaint.

11          7.     Plaintiff seeks to file a First Amended Complaint to name the involved  
12 City of San Bernardino officers in this incident as defendants. Specifically, Plaintiff  
13 seeks to name Michael Vuicich and Jackson Tubbs as defendant Doe 1 and Doe 2,  
14 respectively. Plaintiff also seeks to omit any references to the County of San  
15 Bernardino as a defendant.

16          8.     Accordingly, in light of the foregoing, the parties hereby stipulate that  
17 there is GOOD CAUSE and jointly request that the Court enter an order dismissing  
18 the County of San Bernardino as a defendant, without prejudice, pursuant to Rule  
19 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure and granting Plaintiff leave  
20 to file a First Amended Complaint.

21          9.     The First Amended Complaint, attached hereto as Exhibit "A," will  
22 serve as the operative complaint in this above-reference litigation. Plaintiff shall file  
23 his First Amended Complaint no later than seven (7) days after the date of the  
24 Court's Order approving this stipulation. Defendants' response to Plaintiff's First  
25 Amended Complaint shall be served and filed no later than twenty-one (21) days  
26 after the date of service.

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1 IT IS SO STIPULATED.

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3 DATED: July 10, 2024

LAW OFFICES OF DALE K. GALIPO

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6 Bv /s/ Hang D. Le

7 Dale K. Galipo  
8 Hang D. Le  
9 Attorneys for Plaintiff

10 DATED: July 10, 2024

LAWRENCE BEACH ALLEN & CHOI, PC

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12  
13 Bv /s/ Aamir Raza\*

14 Paul B. Beach  
15 Aamir Raza  
16 Attorneys for Defendant City of San  
17 Bernardino

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24 \_\_\_\_\_  
25 \* The filer, Hang D. Le, hereby attests that all other signatories listed, and on whose  
26 behalf the filing is submitted, concur with the filing's content and have authorized  
27 the filing.  
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